

28 AUGUST 1946

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of  
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1                   Wednesday, 28 August, 1946

2                   - - -

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4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan

9

10                  The Tribunal met, pursuant to adjournment,  
11                  at 0940.

12

13                  Appearances:  
14                  For the Tribunal, same as before.  
15                  For the Prosecution Section, same as before.  
16                  For the Defense Section, same as before.

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18                  - - -

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20                  (English to Japanese and Japanese  
21                  to English interpretation was made by the  
22                  Language Section, IMTAFE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present  
4 except OKAWA, MATSUI, and HIRANUMA, who are represented  
5 by their respective counsel. I have a further certi-  
6 ficate certifying to the continued illness of Kiichiro  
7 HIRANUMA. This certificate is under the hand of the  
8 assistant prison surgeon of Sugamo Prison. It will  
9 be recorded and filed.

10 Mr. Comyns Carr.

11 MR. COMYNS CARR: May it please the Tribunal,  
12 before my friends proceed with the reading of their  
13 documents, may I mention a matter of future procedure?

14 As a general rule, we endeavor to call our  
15 witnesses in the order of the various phases. But  
16 there is a very important witness, Colonel Wild, who  
17 will deal with matters connected with the Class B  
18 offenses, the prisoner of war part of the case, who is  
19 in Tokyo during the next fortnight. He cannot remain,  
20 owing to military duties, after that time, and we  
21 propose, subject to the approval of the Tribunal, to  
22 interpose his evidence in about ten days' time from now.  
23 We also propose, as that phase of the case will not have  
24 been opened in detail at that time, for the assistance  
25 of the defense to give them a resume of his evidence

1       in advance. We would be glad to know whether that  
2       course meets with the approval of the Tribunal.

3             THE PRESIDENT: I think you said that the  
4       Colonel had to go back to military duty?

5             MR. COMYNS CARR: Yes.

6             THE PRESIDENT: To where?

7             MR. COMYNS CARR: In about a fortnight's time  
8       from now. He is only here for a fortnight.

9             THE PRESIDENT: Where?

10            MR. COMYNS CARR: Singapore. Singapore in  
11       the first instance, your Honor, and I understand he  
12       is due to return to England before that phase would  
13       normally come on for hearing.

14            THE PRESIDENT: Yes, Mr. Levin?

15            MR. LEVIN: Mr. President, the defense has  
16       no objection to that procedure if it meets with the  
17       approval of the Court. We will be especially glad to  
18       get a resume of his evidence in advance which will aid  
19       us in determining upon the character of the cross-  
20       examination. As a matter of fact, it might eliminate  
21       cross-examination which is sometimes not desirable  
22       because of not knowing in advance what the evidence  
23       is.

24            THE PRESIDENT: Well, the Court are satisfied  
25       to accede to your request, Mr. Comyns Carr, but express

1 the hope that where evidence belonging to one phase  
2 is taken during another there will be some attempt to  
3 tie it in.

4 Yes, Mr. Sutton?

5 MR. SUTTON: May it please the Tribunal,  
6 the prosecution next offers in evidence telegram from  
7 KUWASHIMA, Consul General at Tientsin, addressed to  
8 Foreign Minister SHIDEHARA, sent from Tientsin,  
9 November 3, 1931. It is prosecution document  
10 No. 1767, sub 4-1-232.

11 THE PRESIDENT: It relates to the same  
12 subject matter as the previous exhibit, does it?

13 MR. SUTTON: Yes, sir.

14 THE PRESIDENT: Admitted on the usual terms.

15 DEPUTY CLERK OF THE COURT: Prosecution's  
16 document 1767-232 will receive exhibit No. 291.

17 (Whereupon, the document above  
18 referred to was marked prosecution's exhibit  
19 No. 291, and was received in evidence.)

20 MR. SUTTON: (Reading) "The same person  
21 (DOIHARA), 2nd inst., evening, had an interview with  
22 Emperor, and, according to secret conversation with  
23 CHENG-CHUI, 3rd inst., he insisted that present con-  
24 ditions prevailing in Manchuria, favorable opportunity  
25 not to be missed; reappearance in Manchuria should

1 take place by all means before 16th inst.; and in such  
2 event (Japan) will recognize Emperor as a head of an  
3 independent state, with which should be concluded a  
4 secret defensive and offensive alliance; League may  
5 intervene; Japanese troops would be withdrawn day after  
6 proclamation of independence. If by chance, crosses  
7 Shanghaikwan, etc., our Kwantung Army shall crush them,  
8 and shall resort to all methods to give fullest support.  
9 If independence succeeds, a good amount of natural  
10 resources would be released; and we can start pacifi-  
11 cation of TSO-HSIANG and other elements this side of  
12 Shanghaikwan. When former Emperor was told restoration  
13 is welcomed by Japanese Imperial Household he seemed  
14 greatly willing, and expressed his desire to know to  
15 what extent Japanese government intends to assist and  
16 also expressed his wishes to know details of method of  
17 escape from here. We promised answer will follow con-  
18 sideration of the matter and thus retired. Regarding  
19 the arrival of the same person in Tientsin it was  
20 reported in the "Star" of the 3rd, The public peace  
21 department has asked us regarding truth of the matter  
22 as well as whether arrival announced to instigate  
23 reactionary elements, which is the rumor.

24 "(Transmitted to Peking, Mukden.)"

25 The prosecution next tenders in evidence the

1 telegram from KUWASHIMA, the Consul General at Tient-  
2 sin, to the Foreign Minister SHIDEHARA, dated November 4,  
3 1931. This relates to the same general subject matter  
4 as the other telegrams.

5 THE PRESIDENT: Admitted on the usual terms.

6 DEPUTY CLERK OF THE COURT: Prosecution's  
7 document No. 1767-239 will receive exhibit No. 292.

8 (Whereupon, the document above  
9 referred to was marked prosecution's exhibit  
10 No. 292, and was received in evidence.)

11 MR. SUTTON: I am advised that the word  
12 "omitted" appearing after the "Telegram No. 472" is  
13 an incorrect translation of the word "abbreviated" and  
14 should be "abbreviated." The first clause should read  
15 "Telegram No. 472 (abbreviated)." I beg your pardon,  
16 471.

17 (Reading) "The I-SHIH-PAO (A Chinese news-  
18 paper) reported on the 4th with a great headline,  
19 that the purpose of DOHIHARA's secret visit to TIENTSIN  
20 was (1) to instigate the dethroned Emperor PU-YI, by  
21 order of the Japanese War Ministry, and to take him  
22 out to the North-east to form an independent government;  
23 and (2) to incite Japanese here to cause trouble with  
24 Chinese in order to make a pretence for non-evacuation.  
25 It further reported that although the ex-emperor had

1 once refused to go to MUKDEN, he was threatened by  
2 DOHIHARA in various ways, and was now obliged to start  
3 against his will.

4 "Telegrams sent to China. PEIPING and MUKDEN."

5 Mr. Menon will introduce further telegrams in  
6 this series.

7 MR. G. MENON: May it please the Tribunal:  
8 The prosecution next wishes to introduce in evidence  
9 Document No. 1767, with sub-heading 280. It is a  
10 telegram addressed to the then Foreign Minister of  
11 Japan, Baron SHIDEHARA by the then Consul General at  
12 Tientsin, KUWASHIMA .

13 This telegram, Mr. President, contains details  
14 regarding the abduction of the ex-Emperor Henry Pu-Yi  
15 and its publication in the Chinese newspapers.

16 THE PRESIDENT: Admitted on the usual terms.

17 DEPUTY CLERK OF THE COURT: Prosecution's  
18 document No. 1767-280 will receive exhibit No. 293.

19 (Whereupon, the document above  
20 referred to was marked prosecution's exhibit  
21 No. 293, and was received in evidence.)

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G  
r 1                   MR. G. MENON: Mr. President, I will proceed  
e 2                   to read the telegram.

n  
b 3                   "Telegram addressed to the Minister of  
e 4                   Foreign Affairs SHIDEHARA, despatched by the Con-  
r 5                   sul General at Tientsin, KUWASHIMA."

& 6                   "Dated Tientsin 12-11-31 (the 6th year of  
B 7                   Showa.) Telegram No. 513.

a  
r 8                   "A local newspaper of 12th reported that  
t 9                   on the 11th, yesterday, at 3:00 P.M., a small  
n 10                  Japanese military launch went down the river with  
11                  a few plain-clothed men accompanied by four or five  
12                  soldiers on board, leaving the Japanese and the  
13                  French concessions. It was generally believed  
14                  that the Ex-Emperor HSUAN TUNG was abducted away  
15                  in the launch. I-SHIH newspaper also reported that  
16                  although DOIHARA had failed in his plan of causing  
17                  rioting in Tientsin and of establishing a new  
18                  reign, he was threatening the Emperor to go to  
19                  Mukden as his next plan, to which the Emperor  
20                  has not given his recognition yet, but DOIHARA  
21                  is said to leave for Mukden via Dairen in a few  
22                  days as the encirclement of the Emperor has already  
23                  agreed to DOIHARA and the plan of Monarchy restor-  
24                  ation has generally settled in the discussion.

25                   "Telegramed to Ambassador, Feiring and Mukden."

1 THE PRESIDENT: Yes.

2 MR. G. MENON: Next, the prosecution wishes  
3 to introduce in evidence IPS document No. 1767,  
4 subheading 4-1-287. It is a telegram addressed to  
5 the Foreign Minister, SHIDEHARA, from ARAKAWA, the  
6 Consul General at Yinkow. This telegram deals with  
7 the abduction of the ex-Emperor by DOHIHARA.

8 MR. LEVIN: Mr. President.

9 THE PRESIDENT: Mr. Levin.

10 MR. LEVIN: We would like the prosecution  
11 to state, if it will, whether or not this is the  
12 full telegram or only, as it states, the text in  
13 brief. In other words, if it is not the telegram,  
14 we would like to object to it.

15 MR. G. MENON: Mr. President, I was about  
16 to mention the fact that that statement in the trans-  
17 lation, "Text in Brief" and the three lines follow-  
18 ing, are not in the original and were put in by the  
19 interpreter as his note. I was about to mention  
20 that before Mr. Levin came up.

21 THE PRESIDENT: Well, just read the telegram  
22 as you understand it.

23 MR. G. MENON: The telegram is given in  
24 full after that.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document  
1 No. 1767-287 will receive exhibit No. 294.

2 (Whereupon, prosecution's exhibit  
3 No. 294 was received in evidence.)

4 MR. G. MENON: (Reading)

5 "From ARAKAWA, Consul-General at Yinkow, ad-  
6 dressed to Foreign Minister SHIDEHARA.

7 "Sent: Yinkow, P.M., 13 November Showa 6  
8 /1931/

9 Arrived: P.M., 13 November Showa 6 /1931/

10 "No. 96 (Secret code, strictly confidential)"

11 Then, Mr. President, I will read the telegram.

12 "The telegram gives detailed account how  
13 former Emperor (guided by) Colonel DOIHARA was trans-  
14 ferred by Japanese steamer 'Awaji Maru' to Yinkow and  
15 met here by AMAKASU and others. He left for Jankantzo  
16 by train.

17 "From what I could gather from the captain of  
18 'Awaji Maru,' Colonel DOIHARA headed the plot in the  
19 escape of the Emperor from Tientsin. He was taken into  
20 a motor car stealthily from the Concession and brought  
21 to the pier, whence the party, guarded by a force armed  
22 with two machine guns, embarked a launch, headed for  
23 Tahku, where they boarded the 'Awaji Maru.' Colonel  
24 DOIHARA, who is busy making a series of trips between  
25

1 Peiping and Tientsin, is said to be engaged in plans  
2 to get Mother and Empress out (of Tientsin). Further-  
3 more, Garrison Commander MORISHITA and his adjutant  
4 who came on the 12th, and a gendarme sergeant and  
5 Mosahiko AMAKASU, who came from Mukden day before yes-  
6 terday, as well as the three Chinese mentioned in our  
7 telegram No. 94, left on the same train with the  
8 Emperor and his party. In the previous telegram it  
9 was reported that the Emperor changed into Chinese  
10 costume here, which is wrong. He is said to have been  
11 in his usual military uniform."

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1           The prosecution next wishes to enter in  
2       evidence document No. 1767, subheading 289. It is a  
3       telegram sent by the Consul General at Tientsin,  
4       KUWASHIMA, to the then Foreign Minister for Foreign  
5       Affairs, Baron SHIDEHARA. This telegram gives de-  
6       tails regarding the part taken by the Japanese Army  
7       in the abduction of the ex-Emperor, Henry Pu-Yi.  
8

9           THE PRESIDENT: Admitted on the usual  
10      terms.

11           CLERK OF THE COURT: Prosecution's document  
12      No. 1767-289 will receive exhibit No. 295.

13           (Whereupon, prosecution's exhibit  
14      No. 295 was received in evidence.)

15           MR. G. MENON: (Reading)

16      "Telegram No. 520 (Urgent, Confidential, in Cipher)

17      "Date: 13 November 1931

18      "Sent by KUWASHIMA, Consul at Tientsin to SHIDEHARA,  
19       Minister for Foreign Affairs.

20           "This morning 13 November, after I had left  
21       my office for a conference with Chinese officials,  
22       a representative of the Japanese Army here visited  
23       my consulate, and confided that despite the reassur-  
24       ing statement of the military that they have no know-  
25       ledge of the former Emperor's movements as reported

in my previous telegram No. 512, the army actually  
did know about it. He revealed what had been so  
concealed until today and said that as both the  
Imperial and the Kwantung Armies (when he was asked  
if that means 'the Army Commander,' he replied 'the  
Army Headquarters') desired it, the former Emperor  
fled from his residence on November 10th, was put  
in a car and on 11th November from Teng-ku was  
shipped by the steamer, Amaji Maru to Ying-Kow.  
Although the army will take the whole responsibility  
for it, they are afraid that it may cause some trou-  
ble to the Consul-General and the consulate officials.  
The army will deny all connection with it and think  
they will escape discovery, but if it is discovered  
they will say that the reason for the incident is  
the former Emperor's plans--i.e., 'because he is so  
fond of Manchuria, and because there was a bombing  
affair recently feeling that his life was in danger,  
he started by himself to realise his plan on Novem-  
ber 8th, finding a good opportunity he fled from the  
Japanese Concession (at Tientsin) and after several  
several days, while his movements were unknown, he  
appeared in Manchuria'--To this effect the Army pro-  
poses to publish its communique, that there is the  
understanding between the former Emperor and the army

1 and it is necessary to be careful with the dates  
2 of the Emperor's escape from his residence, to pre-  
3 vent any contradiction with the Foreign Affairs  
4 Representations. In the Consulate the Army repre-  
5 sentative was assured that all details of conver-  
6 sations would be reported to the Minister as for the  
7 version that the Emperor fled in connection with riots,  
8 the consulate, to its regret, cannot admit and would  
9 oppose any such explanation. The consulate only  
10 wished that the Army would consider measures to  
11 prevent the possibility of spreading rumours among  
12 the public that Emperor was coerced and being used  
13 by the Japanese Army. After that the Army repre-  
14 sentative took his leave.

15 "(Copies to Pekin, Mukden)"

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1 The next document is IPS document No.  
2 1767, subheading 290. It is a telegram, as before,  
3 from the Consul General, KUWASHIMA, in Tientsin to  
4 the Foreign Minister, SHIDEHARA. This also gives  
5 further details regarding the abduction of the  
6 ex-Emperor Pu-Yi.

7 THE PRESIDENT: Admitted on the usual  
8 terms.

9 CLERK OF THE COURT: Prosecution's document  
10 No. 1767-290 will receive exhibit No. 296.

11 (Whereupon, prosecution's exhibit  
12 No. 296 was received in evidence.)

13 MR. G. MENON: (Reading)

<sup>14</sup> "Dispatched from TIENSIN, Nov. 13, 1931, p.m.

15 "Received: Nov. 13, 1931, p.m.

16 "Telegram #524 (Cipher, Most Urgent, Top Secret)

17 "Re Outgoing Telegram #520

"The Chinese newspaper on the 13th reported  
that the Emperor had escaped this city on the pre-  
vious night and took a steamer (a detailed report  
said it was the destroyer KARUKAYA) for DAIREN.  
There has been inquiries from the American Consul-  
General, as well as Japanese newspapers and press  
agencies. It seems indicative, therefore, that a  
statement on the following lines should be announced

1 by this Consulate-General (or the /Foreign/ Ministry).  
2 We request your opinion on this matter by return tele-  
3 gram.

4 "For some time past, there has been rumors  
5 circulated in Manchuria of an existence of a movement  
6 towards restoration to the Throne of Mr. FU-YI, the  
7 former Emperor HSUANG-Tang of the TSIN Dynasty. The  
8 Consulate, under instructions from the Imperial Govern-  
9 ment, has repeatedly remonstrated /The Emperor/ against  
10 taking rash actions. Although he /The Emperor/ did  
11 not wholly agree to my advice, he repeatedly admitted  
12 that he thought the time was not yet ripe.

13 "On November 6th, some one sent him a present  
14 of fruits in which were concealed two bombs (manu-  
15 factured in Minkuo 16/1927). Several letters of  
16 threat had been received from 'Headquarters of the  
17 Iron Blood Group, /TEKKETSU DAN/ TIENTSIN Branch of  
18 the Chinese Communist Party' and other anonymous  
19 persons.

20 "On the night of the 8th, a riot occurred  
21 in the gay quarters of this city, and the Consulate  
22 sent a word to him, through his retainers, that special  
23 precautions were being taken and that he was to rest  
24 assured of any attempt on his life. Since then, he  
25 /the Emperor/ has been confined to his rooms with an

1 by this Consulate-General (or the /Foreign/ Ministry).  
2 We request your opinion on this matter by return tele-  
3 gram.

4 "For some time past, there has been rumors  
5 circulated in Manchuria of an existence of a movement  
6 towards restoration to the Throne of Mr. FU-YI, the  
7 former Emperor HSUANG-Tang of the TSIN Dynasty. The  
8 Consulate, under instructions from the Imperial Govern-  
9 ment, has repeatedly remonstrated /The Emperor/ against  
10 taking rash actions. Although he /The Emperor/ did  
11 not wholly agree to my advice, he repeatedly admitted  
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14 of fruits in which were concealed two bombs (manu-  
15 factured in Minkuo 16/1927). Several letters of  
16 threat had been received from 'Headquarters of the  
17 Iron Blood Group, /TEKKETSU DAN/ TIENTSIN Branch of  
18 the Chinese Communist Party' and other anonymous  
19 persons.

20 "On the night of the 8th, a riot occurred  
21 in the gay quarters of this city, and the Consulate  
22 sent a word to him, through his retainers, that special  
23 precautions were being taken and that he was to rest  
24 assured of any attempt on his life. Since then, he  
25 /the Emperor/ has been confined to his rooms with an

1 excuse of being ill.

2 "We made investigations of his retainers,  
3 upon receipt of the news from the Chinese newsmen  
4 concerning his escape and have been able to discover  
5 that on the 8th, (refer to the telegram mentioned  
6 in the heading) at the time of the uprising he had  
7 escaped secretly. His destination is still unknown  
8 to us."

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1                   The further document, Mr. President, is  
2                   IPS No. 1767, subheading 291. This also is a tele-  
3                   gram addressed to the Foreign Minister, SHIDEHARA,  
4                   from the Consul General, HAYASHI, in Mukden. This  
5                   telegram again contains details with respect to the  
6                   confinement of the ex-Emperor Pu-Yi by the Japanese  
7                   Army.

8                   THE PRESIDENT: Admitted on the usual  
9                   terms.

10                  CLERK OF THE COURT: Prosecution's document  
11                  No. 1767-291 will receive exhibit No. 297.

12                  (Whereupon, prosecution's exhibit  
13                  No. 297 was received in evidence.)

14                  MR. G. MENON: (Reading)

15                  "Sent on November 13, 1931, afternoon, in  
16                  Mukden

17                  "Received on November 13, 1931, afternoon  
18                  "Telegram No. 1271 (Cipher, Urgent and  
19                  Confidential)

20                  "On 13th the Commanding General informed  
21                  me that the Emperor HSUANG TANG /SENTOTEI/ arrived  
22                  at YING KOU but is expected to go to TANGKANGTZU  
23                  for a while. The Japanese Army authorities have  
24                  decided to let him fix his residence in WULUNGPEI

1 "or TANGKANGTZU, and prevent political activities  
2 around him, by cutting off communication with the  
3 outside, thus placing him in a state of so-called  
4 light confinement for the time being. The  
5 Japanese Army authorities have the intention of  
6 having this conducted by the Kwantung Government,  
7 and at present are negotiating with the same, he  
8 stated.

9         "This telegram was repeated to the Envoys  
10 in PEIPING, TIENSIN, HARBIN and KIRIN."

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1                   MR. BROOKS: Mr. President.

2                   THE PRESIDENT: **Captain Brooks.**

3                   MR. BROOKS: On the line in here, I think  
4                   it is 1, 2, 3, 4, 5, 6th line, on the words "light  
5                   confinement" there is some question as to the trans-  
6                   lation from the original telegram; and we would  
7                   like for the arbiters to check and see if that  
8                   really means that it was "light confinement" as a  
9                   prisoner or if it connotes protective custody. The  
10                  Japanese characters, as I am told by the Japanese,  
11                  do not mean that a man is placed as a prisoner status  
12                  which "light confinement" might be interpreted by  
13                  the Court, but it is a different connotation such as  
14                  "protective custody," and I think the Court arbiters  
15                  can check this on the original telegram. That is  
16                  one thing that is very important on this document  
17                  especially.

18                  THE PRESIDENT: We will ask Major Moore to  
19                  advise us on the point in due course. Meanwhile,  
20                  proceed with your further documents.

21                  MR. G. MENON: The next document is IPS  
22                  document No. 1767, subheading 292. It is a telegram  
23                  from Liaoyang Deputy Corsul, YAMAZAKI, to the Foreign  
24                  Minister, SHIDEHARA. This telegram announces the  
25                  arrival of Henry Pu-Yi at Tai Sui Kaku.

1                   THE PRESIDENT: Admitted on the usual  
2                   terms.

3                   CLERK OF THE COURT: Prosecution's document  
4                   No. 1767-292 will receive exhibit No. 298.

5                   (Whereupon, prosecution's exhibit  
6                   No. 298 was received in evidence.)

7                   MR. G. MENON: (Reading)

8                   "Dispatched: 13 November 1931 P.M. Liaoyang

9                   "Received : 13 November 1931 P.M.

10                  "Telegram No. 54 (Urgent, code)

11                  "Emperor HSUAN TANG accompanied by his suite  
12                  of over ten persons arrived at TANGKANTZU on the  
13                  13th this afternoon and put up at Hotel Tai Sui  
14                  Kaku.

15                  "Copies forwarded to: Japanese Minister  
16                  to China, Peking, Mukden, and Tientsin."

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1                   The next document is IPS document No.  
2                   1767, subheading 306.

3                   THE PRESIDENT: 302.

4                   MR. G. MENON: 302; I am sorry. This is  
5                   a telegram from the Consul General, KUWASHIMA in  
6                   Tientsin to the Foreign Minister, SHIDEHARA. This  
7                   telegram --

8                   THE PRESIDENT: Have you described this  
9                   correctly? Just read the certificate.

10                  MR. G. MENON: The typing here is "306."

11                  THE PRESIDENT: We have "302."

12                  MR. G. MENON: I am sorry, your Honor. I  
13                  have got the wrong document.

14                  THE PRESIDENT: Do try to avoid these  
15                  avoidable delays.

16                  MR. G. MENON: This document relates to  
17                  the instructions given by the War Minister to the  
18                  Kwantung Army about the future of Pu-Yi and the  
19                  establishment of the Manchukuo Government.

20                  THE PRESIDENT: Admitted on the usual  
21                  terms.

22                  CLERK OF THE COURT: Prosecution's document  
23                  No. 1767-302 will receive exhibit No. 299.

24                  (Whereupon, prosecution's exhibit  
25                  No. 299 was received in evidence.)

MR. G. MENON: (Reading)

"On this date, the 15th, the War Minister instructed by telegram the Commander of the Kwantung Army as follows:

"Theoretically, PU-YI's action as a Chinese  
and the Chinese action towards PU-YI are not, of course,  
concerned with our Empire. As you are well aware,  
however, PU-YI's behavior and the conduct of the new  
regime in the Manchurian-Mongolian area are of keen  
interest to the Powers. Moreover, under the present  
conditions of Manchuria it is an internationally  
recognized fact that an establishment of the new re-  
gime would not be possible without the understanding  
and support of the Imperial Army. Therefore, when  
PU-YI today unexpectedly enters into the picture of  
the establishment of the new regime and even if it is  
ostensibly performed according to the wishes of the  
Manchurian and Mongolian people, there would be fear  
of arousing world suspicion, upon the intention of  
the Imperial Army, inflicting injury upon the fair  
attitude of our Empire which we have hitherto upheld  
and of inviting extremely unfavorable conditions in  
our policies toward the Powers. Especially, to com-  
mit such hasty actions when we have just begun to see  
signs of favorable results to our efforts to improve

1                   MR. G. MENON: (Reading)

2                 "On this date, the 15th, the War Minister  
3                 instructed by telegram the Commander of the Kwantung  
4                 Army as follows:

5                 "Theoretically, PU-YI's action as a Chinese  
6                 and the Chinese action towards PU-YI are not, of course,  
7                 concerned with our Empire. As you are well aware,  
8                 however, PU-YI's behavior and the conduct of the new  
9                 regime in the Manchurian-Mongolian area are of keen  
10               interest to the Powers. Moreover, under the present  
11               conditions of Manchuria it is an internationally  
12               recognized fact that an establishment of the new re-  
13               gime would not be possible without the understanding  
14               and support of the Imperial Army. Therefore, when  
15               PU-YI today unexpectedly enters into the picture of  
16               the establishment of the new regime and even if it is  
17               ostensibly performed according to the wishes of the  
18               Manchurian and Mongolian people, there would be fear  
19               of arousing world suspicion, upon the intention of  
20               the Imperial Army, inflicting injury upon the fair  
21               attitude of our Empire which we have hitherto upheld  
22               and of inviting extremely unfavorable conditions in  
23               our policies toward the Powers. Especially, to com-  
24               mit such hasty actions when we have just begun to see  
25               signs of favorable results to our efforts to improve

1 the atmosphere of the League of Nations is by no  
2 means a wise policy. Therefore, for the time being,  
3 we would like to have you lead the general public  
4 in such a way so as not to have PU-YI connected in  
5 any way, whether it be active or passive, with politi-  
6 cal problems. Naturally, in establishing a new regime,  
7 if our Empire takes the wrong attitude we must ex-  
8 pect either an intervention by the United States  
9 based upon the Nine-Power Treaty or a council of the  
10 world powers. Therefore, on the proper measures to  
11 take, we are conducting our deliberations in all  
12 seriousness and in connection with the authorities  
13 of the Foreign Ministry. It is essential that our  
14 Empire lead world situations so that we can at least  
15 and at any time conduct a legal argument against the  
16 Powers. I would like to have you keep this point in  
17 mind. Furthermore, although the Foreign Ministry  
18 is considering the future PU-YI's leadership through  
19 the wish of the people in the unified regime of the  
20 northeastern four provinces, when we definitely de-  
21 cide to place him at the head of the unified regime,  
22 it will be necessary to maintain a close connection  
23 with the Central Government, to act in concert with  
24 the general world situation."

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1                   MR. G. MENON: Mr. President, Mr. Sutton  
2 will introduce further documents.

3                   THE PRESIDENT: Mr. Sutton.

4                   MR. SUTTON: May it please the Tribunal,  
5 the prosecution offers as its next evidence Inter-  
6 national Prosecution Section document No. 1767, sub-  
7 head 306, a telegram from Consul-General KUWASHIMA  
8 at Tientsin to the Foreign Minister SHIDEHARA, dated  
9 November 17, 1931. This is concerned with DOHIHARA's  
10 action in trying to set up a separate government in  
11 Manchuria.

12                  THE PRESIDENT: Admitted on the usual terms.

13                  CLERK OF THE COURT: Prosecution's document  
14 No. 1767-306 will receive exhibit No. 300.

15                  (Whereupon, prosecution's exhibit  
16 No. 300 was received in evidence.)

17                  MR. SUTTON: (Reading) "Telegram No. 553 -  
18 Part 1. Urgent, Confidential, Code. The object of  
19 DOIHARA's arrival in Tientsin, in which he embodied  
20 the intentions of the Kwantung Army, was in the speedy  
21 enticement of the former Emperor Hsuang Tang which  
22 was to serve as a promise for the establishment of  
23 the independent state of Manchukuo, and thereby to  
24 undermine and crush the influence of Chang Hsueh  
25 Liang.

1                 "For this matter he repelled all intervention  
2 and remonstrance; and at times, knowingly that it was  
3 against the national policy, he would resort to all  
4 sorts of plots under the secret support of influential  
5 politicians with determination that it was unavoid-  
6 able for him to take free activities from the stand-  
7 point of the Kwantung Army. And without regard to  
8 means, he finally caused a riot to occur on the 8th,  
9 but when he saw that it ended in a failure due to  
10 miscarriage of the plan, he took the opportunity of  
11 the riot throughout the city and carried out resolutely  
12 the Emperor's passage to Manchuria. His desperate  
13 actions are beyond our imaginations. A secret in-  
14 vestigation of his plotted schemes revealed that he  
15 first attempted to contact the An-Fu faction on his  
16 arrival in Tientsin, but because they did not comply,  
17 he finally contacted and persuaded CHANG-PI, who had  
18 connections with the Peace Preservation Corps of this  
19 city, and LI CHI CHUN, who is deeply connected to the  
20 Tsin-pang secret society and rogues in the city, and  
21 MA TING FU, who is in confidence among the men of  
22 LIU-SUE-CHUNG, to bribe the Peace Preservation Corps;  
23 and buy off the 'plain clothes' organization and the  
24 troops of LIU-SUE-CHUNG. He supplied them with  
25 50,000 taels as working funds, and using two or three

men of the garrison troops, let them secretly provide  
1 LI with armaments sent by the Kwantung Army. There  
2 are unmistakable proofs that he had them participate  
3 in all of the riots plotted.  
4

"In regard to the aforementioned plots, the  
5 consulate also have heard of it, in some degree,  
6 and moreover, upon receipt of the information that  
7 CHANG-PI was bribed by SUE-MING, we warned the mili-  
8 tary on the 7th that if by any chance the army was  
9 implicated in such plots, it would be most advisable  
10 to sever relations immediately. Despite our warnings,  
11 the army totally denied their implication, but the  
12 actual fact was that they have already decided to  
13 carry out the riot at 10:00 P.M. of the 8th. They  
14 seem to be in a predicament they could not emerge.  
15 On the other hand, the Public Safety Bureau, receiving  
16 the information from the CHANG faction, kept strict  
17 surveillance on the 8th, and the Peace Preservation  
18 Corps did not rally as anticipated. Therefore,  
19 despite the activities of the Plain Clothes organiza-  
20 tion, the riot ended in a complete failure.  
21

"Telegram No. 553, Part 2. Urgent, Strictly  
22 Confidential, Code. Thereafter, the trend of the  
23 situation is in accordance with my frequent telegrams.  
24 The riot has turned into a clash between Japan and  
25

1 China and the trouble started by DOIHARA has not  
2 only caused difficulties and complications for the  
3 Japanese residents but has thrown Tientsin into dis-  
4 order and confusion. It has extremely hurt the pres-  
5 tige of the Empire and has created an unfavorable  
6 international situation. It can be imagined that the  
7 reactionary element especially, in following his  
8 orders, committed unpardonable acts and it is quite  
9 natural that it has drawn the suspicion of both the  
10 Japanese people and people of the rest of the world.  
11 I have deliberately talked with him several times  
12 not to commit such atrocities but it appears he is  
13 continuing plans to overthrow CHANG and there is ap-  
14 prehension that he may start another incident in the  
15 Peking-Tientsin area in the near future.

16 "As in the last paragraph of my telegram  
17 #473 to Bureau Chief TANI, the Chinese have been  
18 concerned about DOIHARA's intrigue since his arrival  
19 in Tientsin. It may be for this reason that I believe  
20 the recent riot is closely connected with him. I  
21 conclude that his movements hereafter require close  
22 attention.

23 "Copies forwarded to China, (SHI) Peking."  
24 The prosecution next tenders in evidence  
25 document No. 1767, sub-head 320, a telegram from

1           TSUKAMOTO, Governor-General of the Kwantung -- the  
2 word "Army" is omitted; it is in the original, I am  
3 told -- to Foreign Minister SHIDEHARA, dated November  
4 22, 1931. This has to do with the desire of the  
5 Kwantung Army to keep the location of the Emperor  
6 a strict secret.

7           THE PRESIDENT: Admitted on the usual terms.

8           CLERK OF THE COURT: Prosecution's document  
9 No. 1767-320 will receive exhibit No. 301.

10           (Whereupon, prosecution's exhibit  
11 No. 301 was received in evidence.)

12           THE PRESIDENT: Yes.

13           MR. SUTTON: (Reading) "Telegram No. 140  
14 (in cipher). Our despatch No. 18 to Tientsin reads  
15 as follows:

16           "Re: Your despatch No. 576 to the Foreign  
17 Minister.

18           "We have no objection to the Empress' coming  
19 to Port Arthur, but as we are at present keeping the  
20 location of the Emperor a strict secret, we wish to  
21 have all information regarding the travels of the  
22 Empress from leaking outside.

23           "This telegram was forwarded to the Foreign  
24 Minister, and together with your telegram, forwarded  
25 to the Japanese Ministers in Peiping and Mukden."

1                   THE PRESIDENT: This is a convenient break.  
2 We will recess now for fifteen minutes.

3                   (Whereupon, at 1045, a recess was  
4                   taken until 1100, after which the proceedings  
5                   were resumed as follows:)

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MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Sutton.

MR. SUTTON: The prosecution next tenders  
in evidence telegram dated November 22, 1931, prosecu-  
tion document 1767, sub-head 322, from Consul  
General ARAKAWA to Foreign Minister SHIDEHARA,  
dated November 22, 1931. This has to do with the  
movements of the former Emperor.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document  
No. 1767-322 will receive exhibit No. 302.  
(Whereupon, prosecution's exhibit  
No. 302 was received in evidence.)

MR. SUTTON (Reading):  
"Re: Your telegram #95.  
"Emperor HSUANG TUNG had thereafter been  
staying at TANG KANG TZU, but bothered by a large  
number of undesirable visitors who went there to  
call on him, and as it was inconvenient, the Emperor  
had been moved by the Army on the 20th to Port Arthur.  
He is said to be at the YAMATO Hotel there until the  
outlook of the MUKDEN situation can be clarified.  
"The foregoing has been wired to the  
Minister, PEIPING, TIENSIN and MUKDEN."

1                   The prosecution next offers its document  
2                   No. 1767-331, a telegram from Councillor YANO at  
3                   Peiping to Foreign Minister SHIDEHARA, dated Novem-  
4                   ber 26, 1931, with regard to the reported action of  
5                   DOIHARA at Tientsin.

6                   THE PRESIDENT: Admitted on the usual terms.

7                   CLERK OF THE COURT: Prosecution document  
8                   No. 1767-331 will receive exhibit No. 303.

9                   (Whereupon, prosecution exhibit  
10                  No. 303 was received in evidence.)

11                  MR. SUTTON (Reading):

12                  "According to the ~~rumors~~ heard by the court  
13                  attendants of the Empress HSUAN TEH, KAWASHIMA,  
14                  Yoshiko, acting on the request of ITAGAKI, Chief  
15                  of Staff of Kwantung Army, has recently arrived in  
16                  Tientsin disguised in male attire and has attempted  
17                  to abduct the Empress to Manchuria. When the  
18                  attendants of the Empress, suspecting this, in-  
19                  quired of DOIHARA about it, he affirmed it. Hence,  
20                  it is reported that the Empress will be going to  
21                  Manchuria by means of steamer soon.

22                  "Telegram relayed to Foreign Minister,  
23                  Nanking, Tientsin, and Mukden."

24                  The prosecution next offers in evidence  
25                  its document 1767-332, a telegram dated 27 November

1       1931, from Consul General KUWAJIMA at Tientsin,  
2       to Foreign Minister SHIDEHARA. This concerns the  
3       Army's report that the Empress had left Tientsin  
4       for Dairen.

5                 THE PRESIDENT: Admitted on the usual terms.

6                 CLERK OF THE COURT: Prosecution document  
7       No. 1767-332 will receive exhibit No. 304.

8                 (Whereupon, prosecution's exhibit  
9       No. 304 was received in evidence.)

10                MR. SUTTON (Reading):

11                "~~Empress~~ HSUAN TUNG on the night of the  
12       26th secretly fled from her residence, and accompanied  
13       by KAWASHIMA YOSHIKO, who came over to meet her, and  
14       with the wife and children of YOSHIDA, the interpreter  
15       of the Japanese garrison here, left TIENSIN on the  
16       27th on the steamer 'CHOSAN MARU' for DAIREN, as has  
17       been reported by the army.

18                "The foregoing has been telegraphed to the  
19       KWANTUNG Provisional Government."

20               The prosecution next tenders in evidence its  
21       document 1767-345, a telegram from Acting Consul-  
22       General MORISHIMA at Mukden to Foreign Minister  
23       SHIDEHARA, dated December 6, 1931. This has to do with  
24       DOHIHARA's scheme of collaboration with certain Chinese  
25       groups.

1                   THE PRESIDENT: Admitted on the usual terms.  
2                   CLERK OF THE COURT: Prosecution document  
3                   No. 1767-345 will receive exhibit No. 306. Correc-  
4                   tion, 305.

5                   (Whereupon, prosecution's exhibit  
6                   No. 305 was received in evidence.)

7                   MR. SUTTON (Reading):

8                   "The 'National Guard', mentioned in the  
9                   last part of our telegram #42, is a wicked element  
10                  that has carried out plundering at various places  
11                  prior to entering the city. Hence, since the Chinese  
12                  merchants and people felt very uneasy and didn't want  
13                  to welcome it as the security unit, attempt was made  
14                  to disband it at one time, but upon further investi-  
15                  gation, it was discovered to be a got-up affair, based  
16                  on the so-called higher policy centering around Staff  
17                  Officer ITAGAKI of the Kwantung Army and executed  
18                  with the collaboration of the adventurers and bri-  
19                  gands, the coordination of the force stationed  
20                  Chuliuko, and the participation of the head of tele-  
21                  phone exchange office of the said area, besides two  
22                  other Japanese residents and with the said telephone  
23                  exchange office as the base of operations. In view  
24                  of such behind-the-scene activity, the immediate dis-  
25                  banding of the above-mentioned guard unit was

1           THE PRESIDENT: Admitted on the usual terms.  
2           CLERK OF THE COURT: Prosecution document  
3       No. 1767-345 will receive exhibit No. 306. Correc-  
4       tion, 305.

5           (Whereupon, prosecution's exhibit  
6       No. 305 was received in evidence.)

7           MR. SUTTON (Reading):

8       "The 'National Guard', mentioned in the  
9       last part of our telegram #42, is a wicked element  
10      that has carried out plundering at various places  
11      prior to entering the city. Hence, since the Chinese  
12      merchants and people felt very uneasy and didn't want  
13      to welcome it as the security unit, attempt was made  
14      to disband it at one time, but upon further investi-  
15      gation, it was discovered to be a got-up affair, based  
16      on the so-called higher policy centering around Staff  
17      Officer ITAGAKI of the Kwantung Army and executed  
18      with the collaboration of the adventurers and bri-  
19      gands, the coordination of the force stationed  
20      Chuliuko, and the participation of the head of tele-  
21      phone exchange office of the said area, besides two  
22      other Japanese residents and with the said telephone  
23      exchange office as the base of operations. In view  
24      of such behind-the-scene activity, the immediate dis-  
25      banding of the above-mentioned guard unit was

1 withheld and it was decided finally to use it upon  
2 reorganizing a portion of it and changing its out-  
3 ward appearance. Nevertheless, it seems to be the  
4 plan to take over the provinces east of Shankaikwan  
5 in like manner in the future and implant Japanese  
6 influence.

7 "The outline of the above-mentioned got-up  
8 affair is exactly as indicated in our telegram #29  
9 and others and you are aware of it for the most part,  
10 but the intelligent Chinese, who have had great  
11 confidence in the Japanese army heretofore are some-  
12 what shocked at the tricks of the Japanese army, and  
13 as it materialized exactly as rumored this time. We  
14 not only fail to recognize such obvious scheme, which  
15 does not suit local conditions, as being successful  
16 from a general point of view, but also consider it  
17 fortunate if it does not make the maintenance of  
18 peace within the city difficult in the future, as  
19 imagined by this consulate.

20 "Furthermore, to say nothing of the back-  
21 ground of the above-mentioned scheme, this consulate,  
22 taking into consideration our foreign relations, has  
23 tried to keep it secret on the surface. In spite of  
24 this, the 'guard unit,' itself, appears to be proudly  
25 announcing to the Chinese that they have the support

1 of the Japanese army. We consider this deeply re-  
2 grettable and consider that the fault of handling  
3 thoughtless adventurers and brigands lies herein.  
4 For caution's sake.

5 "Please relay this to Foreign Minister,  
6 China, Peiping, and Tientsin."

7 The prosecution desires to call as its  
8 next witness --

9 THE PRESIDENT: Captain Brooks.

10 MR. BROOKS: If the Tribunal please, on this  
11 exhibit 303, in the fourth line it reads: "and has  
12 attempted to abduct the Empress to Manchuria." The  
13 Japanese word used on that line is "tsuredasu,"  
14 t-s-u-r-e-d-a-s-u, and is not the Japanese word,  
15 "yukai," "yukai" meaning "to abduct," and "tsuredasu"  
16 meaning "to take away." I checked that, and I think  
17 it is correct. It changes the meaning. I think the  
18 context bears out it was not an abduction plan.

19 THE PRESIDENT: Like the prior correction,  
20 it is not really substantial; but we will have it  
21 noted.

22 MR. BROOKS: I also checked on Exhibit 297.  
23 The word used there -- Japanese word there -- of the  
24 so-called "light confinement" is "nankinjotai," which  
25 is, as I understand, means "protective custody."

1 It does not mean "as a prisoner" -- protecting from  
2 someone.

3 THE PRESIDENT: Yes.

4 MR. SUTTON: May it please the Tribunal,  
5 the prosecution asks to call as its next witness,  
6 Mr. Harold Frank Gill.  
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GILL

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HAROLD FRANK GILL, called as a witness on behalf of the prosecution, being first duly sworn, testified as follows:

## DIRECT EXAMINATION

BY MR. SUTTON:

Q What is your full name?

A Harold Frank Gill.

Q When and where were you born?

A In London, 19th of November, 1905.

Q Of what country are you a citizen?

A Great Britain.

Q Where do you live at present?

A In Shanghai.

Q How long have you lived in China?

A Since 1929.

Q What positions have you occupied during your residence in China?

A I was an officer of the Shanghai Municipal Police. That is the police force of the International Settlement of Shanghai.

Q What was the situation with regard to opium in the Shanghai area immediately prior to the Japanese occupation?

A Prior to the Sino-Japanese hostilities, the Nationalist Government of China under Generalissimo

GILL

DIRECT

1 Chiang Kai-shek had embarked upon a program aimed  
2 at the eradication of opium and narcotics in China.  
3 The original laws and penalties for opium and narcotic  
4 offenses as laid down in the criminal code of the  
5 Republic of China after a few years had been super-  
6 seded by a new code of laws which were known as the  
7 **Opium Suppression Laws.** These laws were, in turn,  
8 superseded by an even stricter code of laws. These  
9 laws were known as the Provisional Regulations  
10 Governing the Punishment of Opium and Narcotic  
11 Offenders. Under this code of law the death penalty  
12 could be inflicted -- could be awarded, and also life  
13 imprisonment, for trafficking and manufacturing opium  
14 and other drugs. After these laws had been in force  
15 a short time, it became apparent to myself in my  
16 occupation that they were serving to stop or cut down  
17 the use of opium and narcotics, that is, from as far  
18 as Shanghai was concerned. Then later, when the  
19 puppet government of Wang Ching-Wei took control of  
20 the Chinese courts in Shanghai, one of their early  
21 acts was to revoke these strict penalties which I  
22 have referred to and go back to the older provisions  
23 of the criminal code.

24 Q Was there any opium -- was there or not any  
25 open sale of opium in the Shanghai area prior to

GILL

DIRECT

1                   the Japanese occupation?

2                   A   Definitely not, because with these strict  
3                   laws people in Shanghai would not run the risk of  
4                   possible severe sentence of a penal servitude term  
5                   or even life imprisonment; or, if they were traffick-  
6                   ing, run the risk of being awarded the death sentence.

7                   Q   Were the severe penalties which you have  
8                   described that were provided for in the laws actually  
9                   inflicted upon the conviction for the violation of  
10                  those laws prior to Japanese occupation?

11                  A   I believe that in certain cases the death  
12                  penalty was carried out.

13                  Q   Was there any change with regard to the  
14                  opium situation in the Shanghai area following the  
15                  Japanese occupation, and if so, what?

16                  A   The situation deteriorated, and in about  
17                  October, 1938, I learned that discussions took place  
18                  between the Japanese and puppet government officials  
19                  regarding the establishment of an opium bureau or  
20                  monopoly.

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1        A (Continuing) I recollect the names of two  
2        people who participated in these discussions. One was  
3        a Colonel KUSUMOTO of the Special Service Section of  
4        the Japanese Army. Another was Major General TAKESHITA.  
5        I also learned that one of the proposals discussed was  
6        that twelve opium hongs should be established in the  
7        western district of Shanghai, that is, the western  
8        district outside the International Settlement of Shang-  
9        hai. It was also proposed that each of these opium  
10       hongs should have twenty dealers. It was estimated  
11       at this time that the monthly revenue from opium sales  
12       was about six million Chinese dollars.

13              From the autumn of 1938 until the beginning  
14        of 1939 opium hongs, that is, opium selling houses,  
15        began to make their appearance in the western district  
16        outside of the International Settlement of Shanghai,  
17        and opium was gradually being bought by the people.  
18        A Japanese by the name of KITAOKA was very prominent  
19        in this opium selling in this district. Then, shortly  
20       after this, the Opium Control Bureau which had been  
21       formed was taken over by another organization known  
22       as the Opium **Suppression** Bureau of the Provinces of  
23       Kiangsu, Chekiang, and Anhwei. The Opium Suppression  
24       Bureau had offices in that part of the International  
25       Settlement of Shanghai under the control of the

GILL

DIRECT

1 Japanese Army forces, that is, the northern part of  
2 the International Settlement, and opium selling grad-  
3 ually became larger. During 1939 opium shops selling  
4 opium to the people made their appearance outside the  
5 International Settlement.

6 Q Were there any signs on the streets advertis-  
7 ing the sale of opium?

8 A There was one notorious district known as  
9 Tsao-Chiatu. An alleyway in this district was called  
10 Hsin-Kanli. There were many houses converted into  
11 shops selling opium in this alleyway. Anyone could  
12 go and buy opium in small quantities. They could buy  
13 one ounce or half an ounce, sufficient for smoking for  
14 that particular day. I sent my Chinese detectives on  
15 occasion to visit this alleyway and they came back to  
16 me and reported these facts. Also, on the outside of  
17 the shop there were signs saying that this was so-  
18 and-so's opium hong or opium shop. The opium control  
19 could not have been functioning satisfactorily because  
20 in this western area there were frequent clashes over  
21 opium and opium revenues.

22 I recollect that in April, 1939, a motor car  
23 in which a Japanese was carrying a load of opium of  
24 about three thousand liang, that is, about three  
25 thousand English ounces, was hijacked and the cargo

GILL

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25 thousand English ounces, was hijacked and the cargo

GILL

DIRECT

1        stolen. A liang of opium is approximately one and  
2        one-third English ounces.

3           Q     Are you familiar with the Hong-Chi-Shantan?

4           A     The Hong-Chi-Shantan was an organization formed  
5        in about May, 1939. It was formed to take full  
6        responsibility for the distribution of opium in  
7        Shanghai.

8           Q     Will you describe briefly how it functioned?

9           A     As far as I was able to learn in the course  
10      of my duties, opium was brought to Shanghai nearly  
11      always at this time in Japanese ships. When these  
12      ships arrived in Shanghai they were unloaded at Jap-  
13      anese wharves in the northern or eastern area of the  
14      International Settlement. Although these wharves and  
15      docks were actually in the International Settlement,  
16      the Shanghai Municipal Council had no way of exercis-  
17      ing any authority at these wharves and docks which  
18      were under the control of the Japanese armed forces.

19      The opium would be taken from these docks and ware-  
20      houses -- from these docks to warehouses where it would  
21      then be distributed to the opium selling organizations.

22           Q     Did you have occasion in your official capa-  
23      city to make arrests of Chinese nationals charged  
24      with unlawful dealing in opium, and, if so, what pro-  
25      cedure was followed upon their arrest?

GILL

DIRECT

1       A I beg your pardon. Did you say the arrest of  
2 Chinese nationals or Japanese?

3       Q Japanese nationals.

4                   LANGUAGE SECTION CHIEF: Mr. Prosecutor, did  
5 you say Chinese?

6                   MR. SUTTON: The question was: Did you have  
7 occasion in your official capacity to arrest Japanese  
8 nationals?

9                   LANGUAGE SECTION CHIEF: Thank you.

10          A Yes, I have arrested Japanese nationals for  
11 dealing in opium but, unless they were actually  
12 arrested in flagrant delicto, the procedure which had  
13 to be followed was somewhat difficult. I would first  
14 have to go to the Japanese Consulate and obtain a  
15 Japanese consular warrant; then I would have to get  
16 the assistance of the Japanese Consular Police, and  
17 unfortunately this was difficult to obtain at times,  
18 and the result was that by the time such assistance  
19 was forthcoming the Japanese trafficking in opium had  
20 generally sold his opium and disappeared. With other  
21 courts I could get a warrant immediately and carry  
22 out the raid myself.

23          Q What cooperation did you receive from the  
24 Japanese Consular Police?

25          A When I was able to obtain their assistance

GILL

DIRECT

1       they were always quite helpful and the raid would be  
2       carried out, the Japanese ~~national~~ arrested, and  
3       handed over to the Japanese Consulate. That part was  
4       quite all right.

5       Q     What occurred thereafter when the person  
6       arrested was handed over to their consulate?

7       A     The person would be dealt with entirely by  
8       the Japanese Consular Court and I had no way of know-  
9       ing how the trial proceeded.

10      Q     Did you have occasion to arrest the same  
11      person on several different occasions after he had  
12      been handed over to the Japanese authorities?

13      A     Not particularly noticeable in regard to opium  
14      offenses.

15      Q     What kind of opium was sold?

16      A     Prior to the Sino-Japanese hostilities I am  
17      of the opinion that the majority of opium being sold  
18      in Shanghai --

19           THE PRESIDENT: Mr. Levin.

20           MR. LEVIN: Mr. President, we object to this  
21      on the ground that his opinion has not been inquired  
22      into. He has been asked as to a fact, as to what kind  
23      of opium was being sold, and he is venturing his  
24      opinion.

25           THE PRESIDENT: Unless you are asked to

GILL

DIRECT

1 express an opinion do not do so. Just answer the ques-  
2 tion.

3 THE WITNESS: From my knowledge that I ac-  
4 quired, I consider that the opium being sold was of  
5 Chinese origin. However, later, in about 1939 or  
6 1940, a different type of opium was to be found in  
7 Shanghai. It appeared to be a foreign opium.

8 Q What was the situation in the Shanghai area  
9 with regard to the selling of narcotics, as distinguished  
10 from opium, prior to the Japanese occupation?

11 A By narcotics I would refer specifically to  
12 such dangerous drugs as Heroin and morphine. Prior to  
13 1938 there had not been a great deal, or I had not  
14 found a great deal, of narcotics in Shanghai. The  
15 Chinese had had a narcotic habit which was known as  
16 "opium red pill smoking." These opium red pills were  
17 made from opium dross, Hercin, saccharine, and color-  
18 ing matter. But this habit had been gradually  
19 stamped out, and around 1938 and 1939 very little red  
20 pills were ever found. But after this time Hercin  
21 began to make its appearance in ever frequent quan-  
22 tities. From 1940 on I have frequently seized fifty  
23 or one hundred ounces of Hercin at a time. One  
24 hundred ounces of Hercin may not seem very much but  
25 one hundred ounces of pure Hercin when adulterated

GILL

DIRECT

as always was done, would probably be sufficient for  
1 ten thousand people. These seizures which I made were  
2 generally contained in a long rubber bag, frequently  
3 stamped with Japanese characters. I have questioned  
4 these traffickers as to the origin of the drug and  
5 invariably they told me that it came from Tientsin  
6 or North China. And I found that as Japanese influence  
7 and control extended in Central China more Heroin  
8 came into the Shanghai area.

9 Q Of what nationality were the persons who  
10 principally dealt in narcotics?

11 A I have arrested dozens of peddlers in the  
12 streets of Shanghai, of the International Settlement  
13 of Shanghai, peddling Heroin. They were invariably  
14 Formosans or Koreans who, of course, were Japanese  
15 nationals. These peddlers would haunt the poorer  
16 districts. They would stand all day long selling  
17 packets of Heroin, twenty cents, fifty cents, one  
18 dollar -- Chinese money, that is. I would search them  
19 and find hundreds of these small packets in their  
20 pockets. Then, under the laws relating to Japanese  
21 nationals, I would have to hand them to the Japanese  
22 Consulate for trial. Within a few days I have found  
23 these same peddlers back on the streets selling the  
24 drugs again. Despite the numbers of them that I  
25

GILL

DIRECT

1 have arrested, I have never been called to testify  
2 at the trial of any of them. And I would be informed  
3 a few months later that they had been fined five, ten,  
4 or twenty yen.

5 THE PRESIDENT: We will adjourn now until  
6 half past one.

7 (Whereupon, at 1200, a recess was  
8 taken.)

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## AFTERNOON SESSION

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H A R O L D F R A N K G I L L, called as a witness  
on behalf of the prosecution, resumed the stand  
and testified as follows:

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now in session.

THE PRESIDENT: Mr. Sutton.

H A R O L D F R A N K G I L L, called as a witness  
on behalf of the prosecution, resumed the stand

and testified as follows:

## DIRECT EXAMINATION (Continued)

BY MR. SUTTON:

Q Mr. Gill, what experience have you had in law  
enforcement with regard to opium and narcotics in the  
Shanghai area?

A From the year 1938, I was attached to the  
narcotic section of the Shanghai Police Headquarters,  
specifically to deal with narcotic and opium offenses.  
I was afterwards in charge of that bureau and had  
several detectives under me working expressly to  
stamp out the traffic as far as the International  
Settlement went and also to be in the position to give  
advice and opinions regarding the narcotic trade in  
China -- in Shanghai. My work was considerably handi-  
capped because I could not, or the municipal police  
could not, function properly in that portion of the

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## AFTERNOON SESSION

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DIRECT

1 International Settlement which was under the control  
2 of the Japanese armed forces.

3 Q Was there any effort on the part of the Jap-  
4 anese authorities after the occupation to enforce in  
5 the Shanghai area the laws against the use and sale  
6 of opium and narcotics?

7 A As far as I know, there was very little if  
8 any effort to suppress or to punish opium addicts  
9 outside the area of the International Settlement and  
10 the French Concessions of Shanghai. I have stated in  
11 my testimony already that opium and narcotics was  
12 being sold in these areas outside the foreign settle-  
13 ment and concession.

14 Q Did you have occasion to arrest opium and  
15 narcotic addicts?

16 A I have arrested hundreds of these poor  
17 creatures. Comparing the opium addict to the Heroin  
18 addict, there is a great deal of difference. The  
19 Heroin addict is truly a pitiful sight. I have seen  
20 Chinese who were previously good, healthy specimens  
21 and in a few months of drug addiction they have become  
22 wasted, emaciated, filthy, sick, diseased persons.  
23 They do not worry about food, about work, about family;  
24 they only have the craving for the drug. And if they  
25 are deprived of the drug for long they will go to any

GILL

DIRECT

1       lengths to obtain it. I have even known of addicts  
2       who have been detained in police stations to drink  
3       their own urine because of its narcotic content.

4       Q     Did you have occasion in your official capacity  
5       to prepare reports for submission to the League of  
6       Nations?

7       A     Yes. For several years I prepared reports  
8       for the League of Nations at the end of each year.  
9       But at the end of the year 1941, I prepared the usual  
10      annual report and submitted it to my superior Japanese  
11      police officers but was told that it was no longer  
12      necessary to prepare such reports as they would no  
13      longer be forwarded.

14       If I may return just now to the question of  
15      narcotics: The Heroin or narcotic addict would pur-  
16      chase the drug from a peddler and then he would either  
17      inhale that drug or have it injected into his arm.  
18      To inhale it he would place a small portion on a piece  
19      of tin foil or silver paper which he would hold over a  
20      small lamp or candle and then inhale the fumes. In  
21      cases of injections he would go to the keeper of a  
22      Heroin den and receive an injection. This Heroin den  
23      keeper would probably only have one syringe and one  
24      needle, and during the course of a day many people  
25      perhaps would receive injections. One man might be a

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1 healthy man, one might be a man suffering from plague  
2 or venereal disease or anything, and it would be trans-  
3 mitted from one person to another in this way.

4 Q After the Japanese occupation were any of the  
5 reports which you prepared for submission to the League  
6 of Nations forwarded to the League?

7 A After 1941 no reports were forwarded, and I  
8 received no communications from League of Nations  
9 Opium Committee meetings. These reports had previously  
10 been submitted and dealt with particulars of seizures,  
11 the number of persons arrested, and notes regarding any  
12 outstanding cases.

13 MR. LEVIN: Mr. President.

14 THE PRESIDENT: Mr. Levin.

15 MR. LEVIN: We object to any reference to  
16 these reports on the ground that these reports have not  
17 been offered in evidence, and they are the best evi-  
18 dence.

19 MR. SUTTON: The purpose of the evidence is  
20 simply to show that the reports, as the witness testi-  
21 fied, were submitted to the Japanese authorities as  
22 he was required to do for transmission to the League of  
23 Nations and were returned to him by the Japanese author-  
24 ties with the statement that they should be no longer  
25 furnished.

GILL

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1                   THE PRESIDENT: He is not attempting to prove  
2 the contents of the reports, but merely to state the  
3 reports were made and transmitted to the Japanese  
4 Government.

5                   Objection overruled.

6                   Q    Mr. Gill, were you interned, and if so, when?

7                   A    I was interned in February 1943 in Shanghai.

8                   Q    When were you released from internment?

9                   A    After the Japanese capitulation.

10                  Q    By whom are you employed at present?

11                  A    By the British Consulate General in Shanghai.

12                  MR. SUTTON: The defense may cross-examine the  
13 witness.

14                  THE PRESIDENT: Mr. Levin.

15                   CROSS-EXAMINATION

16                  BY MR. LEVIN:

17                  Q    Mr. Gill, for how many years have you been a  
18 police officer?

19                  A    Since 1929.

20                  Q    And during all of that time you have been an  
21 officer at Shanghai?

22                  A    Yes.

23                  MR. LEVIN: That is all. There will be no  
24 further cross-examination, Mr. President.

25                  THE PRESIDENT: The witness may go on the usual

GILL

1                   terms.

2                   (Whereupon, the witness was excused.)

3                   MR. SUTTON: May it please the Tribunal, I  
4                   desire at this time to present Mr. Henry Chiu, an  
5                   attorney from Shanghai and member of the Chinese divi-  
6                   sion of the prosecution staff, who will examine the  
7                   next witness presented on behalf of the prosecution.

8                   THE PRESIDENT: Mr. Chiu.

9                   MR. CHIU: If the Tribunal please, the next  
10                  witness, Mr. Tung, is to testify on matters relating to  
11                  the economic phase of the Japanese aggression in China.  
12                  He has been here for quite some while and on account of  
13                  unforeseenable and unavoidable circumstances the pro-  
14                  ceedings in the court have been delayed in reaching  
15                  that proper phase. The pressure of his duties in China  
16                  however, has necessitated his return before the end of  
17                  the week.

18                  THE PRESIDENT: Yes. We will allow you to  
19                  call him now, but you must tie in his evidence as we  
20                  required in the previous case.

21                  MR. CHIU: Thank you, your Honor.

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1           MR. CHIU: Prosecution would like to ask the  
2 next witness, Mr. Tung Shu-Ming.  
3           - - -  
4           T U N G   S H U - M I N G, called as a witness on  
5           behalf of the prosecution, being first duly  
6           sworn, testified as follows:-

## DIRECT EXAMINATION

BY MR. CHIU:

Q       Mr. Witness, do you speak and understand  
the English language?

A       Yes, I do understand the English language.

Q       What is your name?

A       My name is Tung Shu-Ming.

Q       Where do you now reside?

A       I am now residing in Ito House.

Q       Where were you educated?

A       I was graduated in 1919 from the Kiang-Su  
Commercial College in Shanghai.

Q       What kind of work were you engaged in after  
you left school?

A       After I left the school, I joined the staff  
of the Pu-Tung Electric Supply Company at Shanghai in  
the same year, and I was elected Director and Manager  
of the company in 1933. Since then I have been hold-  
ing that position.

TUNG

DIRECT

1           Q   Did you remain in Shanghai during the period  
2       of war?

3           A   Yes, I remained in Shanghai until March,  
4       1938 when I left Shanghai for Free China to join the  
5       government service in the capacity of councillor and,  
6       later on, Secretary General of the National Resources  
7       Commission under the Ministry of Economic Affairs.

8           Q   Where were you after that?

9           A   I returned from Chungking to Shanghai in  
10      September, 1939 on account of ill health, and I  
11      proceeded again to Chungking by way of Hong Kong in  
12      December, 1940. However, I was harassed by the con-  
13      dition of my health, and I returned to Shanghai again  
14      in January, 1943 for recuperation. Since my return  
15      in January, 1943, I have been living in Shanghai.

16           Q   What happened to your company after hostili-  
17      ties broke out between the Chinese and Japanese troops  
18      in August, 1937?

19           THE PRESIDENT: He is having trouble with  
20      his earphones.

21           A   I didn't hear that. Will you repeat it,  
22      please?

23           Q   Yes.

24           (To the court reporter) Will the reporter  
25      please read that to the witness?

TUNG

DIRECT

1                             (Whereupon, the last question was  
2        read by the official court reporter.)

3       A   We tried by all means to maintain the  
4        supply of power during the hostilities. But, we  
5        stopped the generation of power on August the 14th,  
6        and the supply of power to the inhabitants in the  
7        Pu-Tung was affected, and we made arrangements with  
8        other power companies in Shanghai. The power supply  
9        to Pu-Tung was cut out on November -- on or about  
10      November 10, 1937 after the withdrawal of Chinese  
11      troops.

12      Q   Was your company at any time taken over by  
13       any person or a company after war broke out in  
14       Shanghai?

15                             THE WITNESS: Please repeat the question.

16                             (Whereupon, the last question was  
17        read by the official court reporter.)

18      A   The company was occupied by the Japanese  
19       in November, 1937, and operations were resumed by  
20       the Japanese in March, 1938. In June, 1938 the  
21       Central China Water and Electricity Company took  
22       over the Pu-Tung Electric Supply Company, then under  
23       the Japanese management. The whole of the company's  
24       fixed assets were valued by the Japanese at approx-  
25       imately 470,000 yen against the original value of

TUNG

DIRECT

1 1,800,000 Chinese dollars, and were invested in the  
2 Central China Water and Electricity Company. The  
3 shares thus acquired were held by the Ministry of  
4 Industries of the then puppet Reformed Government  
5 under the pretext of the so-called "owner's absence."

6 Q Do you know who operated and controlled the  
7 Central China Water and Electricity Company to which  
8 you just referred?

9 A To the best of my knowledge, the Central  
10 China Water and Electricity Company were one of the  
11 affiliated companies of the Central Pulmotion Company.  
12 Namely, on the face, it was Sino-Japanese concern;  
13 but it was actually operated and controlled absolutely  
14 by the Japanese, the policy being decided by the  
15 Japanese, and all the leading -- all the high posi-  
16 tions were held by the Japanese.

17 Q What was the general condition of your  
18 plant at the time when it was taken over by the Japan-  
19 ese in November, 1937?

20 A The company's plant was in good operating  
21 condition before the Japanese occupation.

22 Q Did the plant suffer any direct damage as  
23 a result of fighting between the Chinese and Japanese  
24 troops in battles in and around Shanghai during 1937  
25 or thereafter?

TUNG

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23 a result of fighting between the Chinese and Japanese  
24 troops in battles in and around Shanghai during 1937  
25 or thereafter?

TUNG

DIRECT

1                   MR. BROOKS: I want to object to that  
2 question as being irrelevant and immaterial. It is  
3 not a damage suit. I don't think there is any action  
4 for reparations here -- criminal action. The damage  
5 to the plant, I don't see how it can possibly be  
6 material in this case.

7                   MR. CHIU: If the Tribunal please --

8                   THE PRESIDENT: The whole case is based on  
9 damage to property, damage to men, the deaths of  
10 men, all that kind of thing, the ravages of war, and  
11 alleged aggressive war. The objection is overruled.

12                  A I should say there was no damage during the  
13 hostilities in Shanghai.

14                  Q Did you take over the company from the  
15 Japanese after their surrender?

16                  A Yes, I did.

17                  Q When did you take over and in what capacity?

18                  A I started to take over the company from the  
19 Japanese on September 18, 1945 in compliance with  
20 the instructions from the Chinese Government, and  
21 I completed the taking over on September 30, 1945  
22 when all the Japanese members on the staff were dis-  
23 missed.

24                  Q What did you find about conditions of your  
25 plant at the time when you took over from the

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1 Japanese?

2       A   The power plant was in very poor condition.  
3 We had installed in the plant one turbine alternator  
4 manufactured by Brown and Boveri in Switzerland:  
5       B-r-o-w-n and B-o-v-e-r-i, 600 kilowatts, 2,300 volts,  
6 3 phase, 60 cycles; and two water tube boilers manu-  
7 factured by Babcock and Wilcox, England: B-a-b-c-o-c-k  
8 and W-i-l-c-o-x, heating surface about 1,400 square  
9 feet each, steam pressure 250 lbs. At the time of  
10 taking over from the Japanese, the turbine alternator,  
11 boilers, and other accessories were found to be com-  
12 pletely lost.

13       Q   Did you make any attempt to locate the  
14 missing equipment you just referred to?

15       A   Yes, I did.

16       Q   What did you do?

17       A   I wrote to the Ministry of Economics in  
18 October, 1945 requesting them to instruct the re-  
19 sponsible Japanese officials of the Central China  
20 Water and Electricity Company to report the where-  
21 abouts of the missing equipment.

22       Q   What result did you attain?

23       A   In November, 1945 I received a reply from  
24 the Ministry of Economic Affairs stating that AOKI,  
25 the Vice-President of the Central China Water and

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1 Electricity Company, had replied that the equipment  
2 referred to had been sold by them through the medium  
3 of the Central China Liaison Office of Koain to the  
4 Central China Mining Company at a price of about  
5 120 yen -- 120,000 yen. And the Japanese also said  
6 that the missing equipment had been moved and in-  
7 stalled in a coal mine in Ta Yeh-hsien of the Hupei  
8 Province.

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1           Q    What did you do after receiving such  
2         information as furnished to you by AOKI through the  
3         government authorities?

4           A    Acting upon the information furnished me  
5         by AOKI through the Chinese Government, I sent --  
6         instructed some of the officials of the company to  
7         proceed to Tai Yeh-hsien in the Hupei Province to  
8         make the investigations; and the officials returned  
9         and reported to me that the missing equipment could  
10       not be located.

11          Q    What was the condition of your distribution  
12         equipment at the time when you took them over from  
13         the Japanese in September, 1945?

14          A    They were in a very badly damaged condition.  
15         The company had about twenty-two kilometers of --  
16         no, the company had about five hundred kilometers of  
17         overhead line. Fifty to sixty percent of this were  
18         lost. Part of the remaining line had been replaced  
19         with smaller wires, and in some places even steel  
20         galvanized wires were used. They were in very poor  
21         condition. And, secondly, I will state the condition  
22         of the submarine cables. We had laid in the -- we  
23         had laid two routes of submarine cables in the lower  
24         and upper section of the Wang-Pu River to connect up  
25         the supply lines of all the power companies in

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1 Shanghai. Each route consisted of two 6600-volt  
2 submarine cable. At the time of taking over in  
3 September, 1945, one cable was lost -- was found  
4 lost and the other three cables were in very bad  
5 condition; and, furtherly, we had about one hundred  
6 sixty transmission and distribution transformers  
7 totaling about eleven thousand KVA, about fifteen  
8 thousand meters and about seven hundred motors  
9 totaling about nine thousand horsepower. These  
10 transformers, meters and motors, about sixty percent  
11 were found lost.

12 Q What were the conditions of the buildings  
13 in your plant at the time you took them over from  
14 the Japanese?

15 A Four buildings in our power plant at the  
16 Changkiapong were found completely destroyed, and --

17 MR. LEVIN: Mr. President, I would like to  
18 object to that on the ground it is incompetent,  
19 irrelevant and immaterial. I think the point, the  
20 primary point, is taking over the plant. It is  
21 assumed, of course, that they took it over. If they  
22 took it over wrongfully, no matter whether they turned  
23 it over in good or bad condition, it wouldn't make  
24 any difference.

25 MR. CHIU: If the Tribunal please, I have

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2 submarine cable. At the time of taking over in  
3 September, 1945, one cable was lost -- was found  
4 lost and the other three cables were in very bad  
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22 took it over wrongfully, no matter whether they turned  
23 it over in good or bad condition, it wouldn't make  
24 any difference.

25 MR. CHIU: If the Tribunal please, I have

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1       been trying to show the situation brought about  
2       by the Japanese economic penetration and I think  
3       it will be relevant to bring out that object -- to  
4       reach that object by comparing the conditions and  
5       circumstances before and after the Japanese occupied  
6       the premises.

7             THE PRESIDENT: Obviously so; the objection  
8       is overruled.

9             A (Continuing) As I have said, four buildings  
10      were found completely destroyed and two buildings  
11      were badly damaged, and all the premises in our new  
12      power plant at Wang-Chiatu in Pu-Tung were found  
13      completely damaged; and we also suffered further  
14      heavy losses in office furniture, transportation  
15      equipment, including tracks and motorboats.

16             THE PRESIDENT: Now we will recess for  
17      fifteen minutes.

18             (Whereupon, at 1445, a recess was  
19      taken until 1500, after which the proceedings  
20      were resumed as follows:)

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Chiu, are you going to deal with many of these cases? Do you propose to deal with many of these cases?

MR. CHIU: No, your Honor. There is only one other phase that I would like to bring out, and I will attempt to do it in a much quicker way.

THE PRESIDENT: You see, it is going to -- it may be very hard to draw an inference from a particular case. It is not quite arguing from the particular to the general but it is something like that. I assumed that you would call, perhaps, one or two witnesses who would cover hundreds of cases after having made inquiries.

BY MR CHIU (Continued):

Q Do you hold any other position besides manager of Pu-Tung Electric Supply Company?

A Yes, I have another position.

Q What is that?

A I am concurrently manager of the Chinese Electric Power Company in Nan-Ton, Shanghai.

Q Was that company also taken over by the Japanese during the period of their occupation?

A Yes, it was.

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1           Q   Did you also take the company over from the  
2           Japanese after their surrender?

3           A   Yes, I did.

4           Q   Will you briefly state to the Court the  
5           conditions of that company before and after you took  
6           over, without going too much in detail on technical  
7           subjects?

8           A   The company operated both the supply of  
9           power and tramway service before the war and the  
10          company suspended the tramway service on August 14th  
11          and stopped the generation of current -- of power on  
12          August 20th, 1937. After August 20th, 1937, the  
13          supply of electricity to the inhabitants in Nan-Ton  
14          was affected and through arrangements made with the  
15          French Power Company, the supply was cut off on or  
16          about November 10, 1937, when the Japanese troops  
17          occupied Nan-Ton. In June, 1938, the Chinese Electric  
18          Power Company, then under the Japanese management,  
19          was taken over by the Central China Water and Elec-  
20          tricity Company. The fixed assets of the company  
21          were valued by the Japanese at about one million,  
22          seven hundred thousand yen against the original  
23          value of about eight and half million Chinese dollars.  
24          These assets were invested by the Japanese in the  
25          Central China Water and Electricity Company and the

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shares acquired were held by the Ministry of Industries  
of the then puppet reformed government and under the  
pretext of so-called "owner's absence."

Q Just tell the Court very briefly whether  
there was much damage done to the plant during the  
period of Japanese occupation as well as many things  
missing.

A We had installed in the power plant ten  
water tube boilers and three steam turbo-alternators,  
the total capacity of which was sixteen thousand  
kilowatts; and at the time of taking over from the  
Japanese, these ten boilers and seven -- and three  
turbo-alternators were found completely missing.

Q Do you know the condition of your tramway  
equipment at the time you took over from the Japanese?

A We had twenty-two kilometers of tramway  
rail and about six hundred and thirty steel poles  
and about fifty cement poles carrying the trolley  
wires; and these tramway rails and poles were found  
completely lost at the time of taking over. There  
we have recovered these materials only to the extent  
of twenty percent. We had also fifty-four train cars,  
twenty-seven trailers and three converters, total  
capacity twenty-one hundred kilowatts and three  
**transformers** and three switchboards; and this

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1 equipment has not been recovered so far.

2 Q What was the condition of the buildings of  
3 your company at the time when you took **them over**  
4 from the Japanese?

5 A Some of the buildings were damaged, were  
6 badly damaged, and some of them were in a state of  
7 disrepair for years. And we had a very big tram  
8 shed capable of accommodating about one hundred tram  
9 cars and trailers which were found had been completely  
10 demolished by the Japanese, remaining only a vacant lot  
11 of ground.

12 Q Besides the two companies of which you  
13 are the manager and about which you testified, do  
14 you have knowledge about the general situation as  
15 regarding other power companies in Shanghai during  
16 the period of Japanese occupation?

17 A Yes, I know the general condition of other  
18 companies during the Japanese occupation.

19 Q How do you know that?

20 A I have some friends who are working in the  
21 various power companies at that time. They often came  
22 to my house and talked about the events in those  
23 companies; and I was interested to hear something  
24 about those companies, being in the same line of business.

25 Q What are the companies that you know of and

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that you now refer to?

A First is the Chinese-owned Chapei Water and Electricity Company. Second is the American-owned Shanghai Power Company and the French Power Company.

Q Will you describe very briefly the general conditions of these companies during the period of Japanese occupation?

A The Chinese-owned -- the Chapei Water and Electricity Company was also taken over by the Japanese immediately after the withdrawal of Chinese troops. The Company had total generating capacity of thirty-six thousand kilowatts. It was in so badly damaged condition that the generation of power is impossible at the present time. The Company also suffered heavy losses in transmission and distribution equipment and other properties. The American-owned Shanghai Power Company was taken over by the Japanese after the outbreak of the Pacific War. This Company had total generating capacity of one hundred and eighty-three thousand kilowatts; and now only one hundred and thirty-six thousand kilowatts is left, representing a decrease of forty-seven thousand kilowatts. That is more -- about forty-five percent of its pre-war capacity. One-sixth of the transmission and distribution line was destroyed and a small part

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1 of stores was taken over from the Japanese. The  
2 other company -- the French Company -- the French  
3 Power Company -- the French Power Company was not  
4 taken over by the Japanese but it was certainly  
5 operated under the influence of the Japanese during  
6 the war years. The original generating capacity of  
7 twenty-eight thousand kilowatts has been reduced to  
8 sixteen thousand kilowatts.

9 THE PRESIDENT: Mr. Levin.

10 MR. LEVIN: Mr. President, we would like to  
11 object to this detail of testimony. We thought when  
12 Mr. Chiu questioned the witness in relation to damages  
13 to other plants with which he was not connected, that  
14 he would just give a general view and to that extent  
15 we assume, possibly, he might be qualified; but we  
16 doubt if he is qualified, and doubt the necessity of  
17 going into any detail about the number of kilowatts  
18 that have been reduced between the time the Japanese  
19 took the plant and the time they turned them over.

20 MR. CHIU: If the Tribunal please, I am  
21 trying to show the situation prevailing not only of  
22 the two companies of which the witness is himself  
23 the manager, but the situation in general prevailing  
24 in Shanghai with regard to other power companies at  
25 the time.

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1                   THE PRESIDENT: Well, the information he  
2 gives us about the other companies is hearsay only,  
3 but the amount of detail makes it more convincing.

4                   MR. CHIU: Yes, sir.

5                   THE PRESIDENT: I suppose you are going  
6 to invite us to draw a general conclusion from these  
7 particular cases, or you may be satisfied to rely  
8 on this in conjunction with other evidence. But  
9 you ought to limit the details. Otherwise we will  
10 waste too much time on matters of small importance.

11                  MR. CHIU: Your Honor, in that case I will  
12 not let the witness continue statements in reply to  
13 my last question--- up to there.

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1           Q   What do you know about the supply of power  
2         for domestic consumption to inhabitants in Shanghai  
3         during the period of occupation?

4           A   Electric supply to the domestic consumers  
5         in Shanghai was time and again curtailed, until  
6         finally each family no matter how -- irrespective of  
7         the number of inmates, was only allowed to use seven  
8         kilowatt hours per month. Obviously, it was not  
9         sufficient for a family of any size. Excesses in  
10        consumption would entail a very heavy fine, and the  
11        supply would be cut off if breach of the laws was  
12        committed twice or thrice.

13          Q   What was the situation with regard to supply  
14         of power to industry?

15          A   The supply of power to the factories was  
16         likewise time and again curtailed, until finally all  
17         the Chinese factories were not allowed to use  
18         electric power, with the exception of the few fac-  
19         tories whose products were required by the Japanese  
20         military. And the application for a supply of this  
21         nature was very difficult to be approved.

22          Q   Do you know what is the situation regarding  
23         the power supply today with reference to the events  
24         that you have testified?

25          A   Shanghai is now facing a very serious

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1 shortage of electric power. The existing total  
2 capacity is only about 150 kilowatts -- 150,000  
3 kilowatts. It is insufficient to meet the ever  
4 increasing demand for power, for electric power.  
5 Therefore, we have stopped the connection of new  
6 consumers, and we have further to impose very strict  
7 restrictions on the existing consumers. Sometimes  
8 we have to stop the supply to consumers for certain  
9 hours a day in certain districts. It ought to be --  
10 it would take at least two or three years to restore  
11 the generating capacity to the pre-war level. To  
12 order new machineries it would require a very long  
13 time to be delivered.

14 MR. CHIU: Your Honor, the examination in  
15 chief is finished. The defense may cross-examine  
16 the witness.

17 THE PRESIDENT: Captain Brooks.

18 CROSS-EXAMINATION

19 BY MR. BROOKS:

20 Q Mr. Witness, this French company and American  
21 company, are they operating there today?

22 THE PRESIDENT: What is the point of that?

23 MR. BROOKS: If the Court please, he said  
24 that conditions had been bad. I didn't see why they  
25 went into it, but it hasn't been shown whether all of

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1 these companies are operating now. I want to inquire  
2 into it.

3 I will withdraw the question.

4 Q Now, Mr. Witness, at this time in Shanghai,  
5 this situation as you have described, do you know the  
6 names of any of the Japanese military government  
7 officers operating in that city?

8 THE PRESIDENT: That is irrelevant too.

9 MR. BROOKS: If the Tribunal please, it has  
10 not been shown whether these plants were taken over  
11 by Japanese military government for the use of the  
12 armed forces. That is the reason I asked the question.

13 THE PRESIDENT: It is sufficient if they were  
14 taken over by the Japanese Government. The use is  
15 irrelevant.

16 MR. BROOKS: I wasn't so much inclined to  
17 bring out the use as to the method of taking over and  
18 by whom they were taken over, because if it isn't shown  
19 that this was an aggressive war, that they were taken  
20 over by military government teams and these restric-  
21 tions are placed on, that is nothing unusual for any  
22 military government unit.

23 THE PRESIDENT: The question is disallowed.

24 Mr. Levin.

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## CROSS-EXAMINATION (Continued)

1 BY MR. LEVIN:

2  
3 Q You have testified in relation to companies  
4 other than your own which were taken over by the  
5 Japanese, and the damages sustained by them. Did  
6 you make any personal examination of any of those  
7 properties to determine the extent of the damage?

8 A Yes, I did.

9 Q How much of an examination did you make, in  
10 brief?

11 A I inspected the power plant, the transmission  
12 line systems, and other properties on many occasions.

13 Q You received for your plant 470,000 yen, is  
14 that correct?

15 THE PRESIDENT: Let him finish the question.

16 MR. CHIU: If the Tribunal please, I object  
17 to that question --

18 THE PRESIDENT: There is no question yet.

19 I understand you did add the words "is that  
20 correct," but you should not ask that question. That  
21 type of question has been disallowed frequently.

22 Q At the time that the payment was made to  
23 you for your plant, was not the value of the yen as  
24 four to one compared to the Chinese money?

25 MR. CHIU: If your Honor please, I would

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1 like to object to that question. The witness tes-  
2 tified that he had two companies, and no mention  
3 was made to which company the able counsel referred  
4 to, because they were taken over at different times.

5 THE PRESIDENT: I say, it is quite open  
6 for Mr. Levin to ask to compare the value of the  
7 yen at the different times, the time when the prop-  
8 erty was taken over and the time when the property  
9 was restored. Objection overruled.

10 Q Will you state what was the value of the  
11 property when it was taken over?

12 A Please repeat your question.

13 (Whereupon, the last question was  
14 read by the official court reporter as above  
15 recorded.)

16 THE PRESIDENT: It is suggested, Witness,  
17 that your companies were paid ample compensation  
18 because of the change in the value of the yen. Is  
19 that so?

20 THE WITNESS: We never received a single  
21 cent from the Japanese.

22 THE PRESIDENT: You mentioned the sum of  
23 100,000, or 120,000 yen, at one stage, and I just  
24 don't remember to what it related.

25 MR. LEVIN: I believe the President asked

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1 a question.

2 THE PRESIDENT: Well, that is what you are  
3 after and I think you are entitled to get that.

4 MR. LEVIN: That is what I am after.

5 THE WITNESS: I would ask the Court to have  
6 someone translate to assist me.

7 THE PRESIDENT: Well, you better put Mr.

8 Levin's question to him. The court reporter can do  
9 that. I don't remember word for word what it was.

10 (Whereupon, the last question was  
11 read by the official court reporter, as follows:

12 "Q Will you state what was the value of the  
13 property when it was taken over?")

14 THE PRESIDENT: There was a later question  
15 than that.

16 (Whereupon, the President's question  
17 was read by the official court reporter, as  
18 follows: "You mentioned the sum of 100,000, or  
19 120,000 yen, at one stage, and I just don't  
20 remember to what it related.")

21 THE WITNESS: I have stated already the  
22 original value at the time of taking over by the  
23 Japanese in 1937, the assets of the Fu-Tung Electricity  
24 Supply Company was about 1,800,000 Chinese dollars, and  
25 the value of the assets of the Chinese Electric Power

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1 Company at the time of taking over by the Japanese  
2 was about eight and a half million Chinese dollars.  
3 Before the war the ratio of Chinese dollars to Japanese  
4 yen is one to one dollar -- Chinese dollar is equal to  
5 about 95 cents in yen. The Pu-Tung Electricity Supply  
6 Company assets, about 1,800,000 Chinese dollars, was  
7 valued at about 43,000 yen at the time. It represented  
8 only about twenty-five per cent, I believe.

9 BY MR. LEVIN:

10 Q The notes of my Japanese associate and my  
11 own indicate the statement 470,000 yen. You state that  
12 it was 47,000 yen?

13 A It is 470,000 yen.

14 Q That was 470,000 yen, against a real value  
15 of Chinese money of 1,800,000, is that correct?

16 A Yes.

17 Q And isn't it a fact that the equivalent of  
18 the Japanese yen to the Chinese dollar was four to one?

19 A It was in 1937 and 1938. At that time Chinese  
20 currency had not been inflated, so the exchange rate  
21 remained nearly the same as before the war, I think,  
22 but at that time there was actually no foreign ex-  
23 change, because the Japanese had hostilities with  
24 China already.

25 Q Had there been any appraisal of this property

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1                   immediately before it was taken over -- these proper-  
2                   ties?

3                   A     May I add to my first answer? The point I  
4                   must emphasize that though the Japanese had valued  
5                   the assets of the companies, but the companies never  
6                   received a single cent from the Japanese.

7                   MR. LEVIN: Mr. President, may I ask that  
8                   that answer be disregarded as not being responsive,  
9                   in view of the fact that we cannot ask that an un-  
10                  responsive question may not be stricken.

11                  THE PRESIDENT: It goes into the record  
12                  and stays there, Mr. Levin.

13                  MR. LEVIN: There will be no further cross-  
14                  examination of this witness by the defense, Mr.  
15                  President.

16                  THE PRESIDENT: This is a convenient break.  
17                  We will adjourn now until half past nine tomorrow  
18                  morning.

19                  (Whereupon, at 1600, an adjournment  
20                  was taken until Thursday, 29 August 1946, at 0930.)

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